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LOK SABHA

The following Bill was introduced in Lok Sabha on the 6th December, 1963:—

BILL No. 54 OF 1963.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1963.

Short title
and com-
mence-
ment.

5 (2) It shall be deemed to have come into force on the 26th day of January, 1964, or from such date as the President may, by notification, appoint as the date for the enforcement of this Act.

2. In article 74, in clause (1), after the words "the Prime Minister at the head", the following words shall be inserted, namely:—

Amend-
ment of
article 74.

10 "who is elected by members of both Houses of Parliament"

3. In article 75,—

Amend-
ment of
article 75

(a) in clause (1), after "The Prime Minister", the following words shall be inserted, namely:—

"elected by the members of both Houses of Parliament";

15 (b) in clause (1), after the words "advice of the", the words "the elected" shall be inserted;

(c) after clause (4), the following clause shall be inserted, namely:—

"(4A) A Minister, soon after taking the oath of office and of secrecy under clause (4), shall cease to be a member of any political party."

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Amend-
ment of
article
352.

4. In article 352, in clause (2), after sub-clause (b), the following shall be inserted, namely:—

(bb) shall have the effect of dissolving the old executive forthwith and there shall be a Prime Minister elected by members of both Houses of Parliament and the other Ministers shall be appointed by the President on the advice of the elected Prime Minister till the end of emergency proclamation;".

Amend-
ment of
article
353

5. In article 353, before sub-clause (a), the following shall be inserted, namely:—

"(a) notwithstanding anything in this Constitution, the executive power of the Union shall be administered by the Council of Ministers with the elected Prime Minister at the head to aid and advise the President in the exercise of his functions during emergency period."

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STATEMENT OF OBJECTS AND REASONS

Though the spirit of our Constitution is to form a national public Government, yet the so-called conventions of political parties have created a situation where only a party government is being constituted. Every bill or resolution is placed before both the Houses of Parliament but it is unfortunate that the head of the executive, i.e., the Prime Minister is not elected in the open House by all members of Parliament. He is elected only by one party. Thus elected leader is sometimes a leader of the minority group in Parliament. Hence this Bill seeks to remedy the situation. Second object is to call upon the Minister to dissociate himself from one-party politics. His oath that he will treat all alike, is quite contrary to his real practice with his party members who are his favoured citizens. Therefore, this condition is placed clearly in this amending bill.

During Emergency immediately the old executive should be reconstituted to represent all forces of national interest to meet the challenge of emergency period. History is in evidence in many countries that the executive in those countries whenever emergency was proclaimed, was reconstituted on national basis to strengthen the unity and integrity of the nations.

It is necessary that we should also reconstitute our executive headed by an elected Prime Minister. This kind of broad-based Ministry in the country during Emergency will create confidence among the people throughout the country.

Hence this Bill.

NEW DELHI;
The 11th October, 1963

SIVAMURTHI SWAMI.

M. N. KAUL,
Secretary

